

HOUSE BILL No. 1821

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1.

Synopsis: Open enrollment for public schools. Establishes a public elementary and secondary school scholarship program. Allows the parent of a public school student to request a scholarship for the student to enroll in a different public school. Allocates public funds for scholarship students between the base school corporation and the receiving school corporation. Requires a parent to provide student transportation. Provides that the laws concerning transfer students, including court ordered transfer students, do not apply to a student who attends a public school outside the student's base school corporation under the scholarship program.

Effective: July 1, 2003.

Behning

January 23, 2003, read first time and referred to Committee on Education.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1821

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-1-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. As used in this article,**
4 **"ADM" has the meaning set forth in IC 21-3-1.6-1.1.**

5 SECTION 2. IC 20-8.1-6.1-0.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. This chapter does not apply**
8 **to a student who under the public elementary and secondary school**
9 **scholarship program (IC 20-8.1-15) attends a public school that is**
10 **outside the school corporation where the student has legal**
11 **settlement.**

12 SECTION 3. IC 20-8.1-6.5-0.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. This chapter does not apply**
15 **to a student who under the public elementary and secondary school**
16 **scholarship program (IC 20-8.1-15) attends a public school that is**
17 **outside the school corporation where the student has legal**



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1 settlement.

2 SECTION 4. IC 20-8.1-15 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2003]:

5 **Chapter 15. Public Elementary and Secondary School**
6 **Scholarship Program**

7 **Sec. 1.** As used in this chapter, "base school corporation" means
8 the school corporation where a student has legal settlement (as
9 defined in IC 20-8.1-1-7.1).

10 **Sec. 2.** As used in this chapter, "program" refers to the public
11 elementary and secondary school scholarship program established
12 by section 5 of this chapter.

13 **Sec. 3.** As used in this chapter, "public school" has the meaning
14 set forth in IC 20-10.1-1-2.

15 **Sec. 4.** As used in this chapter, "scholarship" refers to a
16 scholarship under the program.

17 **Sec. 5.** The public elementary and secondary school scholarship
18 program is established.

19 **Sec. 6.** On a date the department specifies that falls before the
20 beginning of a school year, the department shall grant scholarships
21 and renewal scholarships under this chapter.

22 **Sec. 7. (a)** The department shall grant a scholarship to a student
23 who meets the following requirements:

24 (1) The student's parent requests a scholarship for the
25 student.

26 (2) The student's parent selects a school for the student to
27 attend under the scholarship program. The school shall be a
28 public school that is:

29 (A) in the student's base school corporation but is a
30 different school from the school where the school
31 corporation has assigned the student; or

32 (B) not a school in the student's base school corporation.

33 (3) Except as provided in section 13(b) of this chapter, the
34 principal of the school and the superintendent of the school
35 corporation where the school is located jointly agree to enroll
36 the student in the school.

37 (b) The department shall grant a renewal scholarship to a
38 student who meets the following requirements:

39 (1) The student previously received a scholarship in any year.

40 (2) The requirements of subsection (a) are met.

41 (c) The department may not grant a scholarship to a student
42 who wishes to enroll in a school primarily for athletic reasons.



1 **Sec. 8.** Not later than April 1 before the beginning of a school
 2 year for which a parent seeks to enroll a student under the
 3 scholarship program, the student's parent shall notify the
 4 superintendent of the school corporation in which the parent seeks
 5 to enroll the student of the parent's request to enroll the student.

6 **Sec. 9. (a)** The superintendent of a school corporation where a
 7 parent seeks to enroll a student under the scholarship program:

- 8 (1) is not required to enroll the student; and
- 9 (2) may not enroll the student if enrollment will cause the
 10 school corporation to violate a court order, including a court
 11 order described in IC 20-8.1-6.5-1.

12 (b) A superintendent may not refuse to enroll a student in
 13 violation of IC 20-8.1-2.

14 (c) A superintendent shall notify a parent who makes a request
 15 under section 8 of this chapter of the superintendent's decision not
 16 later than thirty (30) days after the superintendent receives a
 17 request for enrollment under section 8 of this chapter.

18 **Sec. 10.** The following apply when a student uses a scholarship
 19 to enroll in a school in the student's base school corporation:

- 20 (1) There is no monetary scholarship award.
- 21 (2) There is no change in:
 22 (A) the ADM of the school corporation; or
 23 (B) state assistance to the school corporation.
- 24 (3) The school corporation is not required to provide
 25 transportation for the student.

26 **Sec. 11.** The following apply when a student uses a scholarship
 27 to enroll in a school that is not a school in the student's base school
 28 corporation:

- 29 (1) The amount of the scholarship award is fifty percent
 30 (50%) of the state aid per ADM provided under IC 21-3 to the
 31 student's base school corporation.
- 32 (2) The student remains in the ADM of the student's base
 33 school corporation until the earlier of the following:
 34 (A) The date the student graduates from a high school.
 35 (B) The date of the end of the school year during which the
 36 student becomes eighteen (18) years of age.
- 37 (3) The school that enrolls the student may not include the
 38 student in the school's ADM.
- 39 (4) The department shall do the following:
 40 (A) Pay the amount of the scholarship to the school that
 41 enrolls the student.
 42 (B) Deduct the amount of the scholarship from the

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1 distribution of state aid to the student's base school
2 corporation.

3 (5) The parent of the student is responsible for all costs of the
4 student to attend the school that exceed the amount of the
5 scholarship.

6 (6) The student's base school corporation and the school
7 corporation that enrolls the student are not required to
8 provide transportation for the student.

9 Sec. 12. Except as provided in section 13(b) of this chapter, at
10 the end of each school year, the superintendent of a school
11 corporation that enrolls a student under the program and the
12 principal of the school the student attends shall jointly:

13 (1) determine whether to enroll the student for the following
14 school year; and

15 (2) inform the department of the decision.

16 Sec. 13. (a) The governing body of a school corporation may
17 adopt a policy that sets guidelines to be used in determining
18 whether:

19 (1) to accept a student for enrollment under the program; and

20 (2) to continue a student's enrollment under the program.

21 (b) Notwithstanding sections 7(a)(3) and 12 of this chapter, a
22 policy adopted under this section may require a governing body to
23 determine whether to enroll a student or continue a student's
24 enrollment under the program.

25 Sec. 14. The department shall establish procedures to
26 administer this chapter.

27 Sec. 15. The department may adopt rules under IC 4-22-2 to
28 implement and administer the program.

29 SECTION 5. [EFFECTIVE JULY 1, 2003] (a) As used in this
30 SECTION, "department" has the meaning set forth in
31 IC 20-8.1-1-17.

32 (b) As used in this SECTION, "school year" has the meaning set
33 forth in IC 20-10.1-2-1.

34 (c) This SECTION applies to school years that begin after June
35 30, 2003. The department shall grant scholarships under
36 IC 20-8.1-15, as added by this act.

37 (d) This SECTION expires July 1, 2005.

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